

**BRYAN CAVE**

Pamela A. Howlett  
Associate  
Direct (314) 259-2195  
Fax (314) 552-8195  
pamela.howlett@bryancave.com

January 11, 2010

Craig Whitenack  
Civil Investigator  
U.S. Environmental Protection Agency, Region IX  
Southern California Field Office  
600 Wilshire Avenue, Suite 1420  
Los Angeles, California 90017

**Re: Yosemite Creek Superfund Site; San Francisco, California; Response of Monsanto Company to EPA's Request for Information Dated October 15, 2009 Pursuant to 42 U.S.C. § 9604(e)**

Dear Mr. Whitenack:

This letter and its enclosure are submitted on behalf of Monsanto Company ("New Monsanto") in response to the above referenced information request (the "Request") in its capacity as attorney-in-fact for Pharmacia Corporation ("Pharmacia" or "Old Monsanto"). EPA agreed to New Monsanto's request for an extension to respond through January 11, 2010.

Pharmacia is a corporation incorporated on April 19, 1933 in the State of Delaware and was known as "Monsanto Company" prior to changing its name on March 31, 2000. New Monsanto was incorporated on February 9, 2000 in the State of Delaware and was at that time a subsidiary of Old Monsanto. New Monsanto, originally incorporated with the name "Monsanto Ag Company," changed its name to "Monsanto Company" on March 31, 2000. Pursuant to a September 2000 Separation Agreement between Pharmacia and New Monsanto, Pharmacia transferred certain assets and liabilities to New Monsanto and gave New Monsanto power of attorney with respect those liabilities. As a result of Pharmacia's subsequent distribution of its shares in New Monsanto, today New Monsanto is a publicly held corporation with no corporate parent. Because New Monsanto did not exist until 2000, it has no direct connection to or liability regarding the Yosemite Creek Superfund Site.

**Bryan Cave LLP**  
One Metropolitan Square  
211 North Broadway  
Suite 3600  
St. Louis, MO 63102-2750  
Tel (314) 259-2000  
Fax (314) 259-2020  
www.bryancave.com

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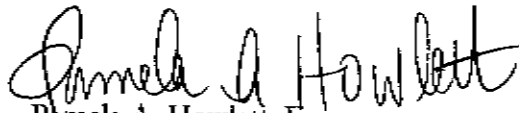
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Bryan Cave LLP

Nonetheless, pursuant to the contractual obligations described above, New Monsanto is responding to this Request as Pharmacia's attorney-in-fact.

Very truly yours,



Pamela A. Howlett, Esq.

Enc.

## **PRELIMINARY STATEMENT REGARDING RESPONSES TO INFORMATION REQUEST QUESTIONS**

In responding to the Request, New Monsanto has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. However, the Request purports to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between Old Monsanto's Avon Facility (see response to Question 2 below) and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site"), certain Requests seek information regarding facilities other than the Avon Facility as it relates to the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. Other than Avon, these facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility") (emphasis added).

The Request also defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and polychlorinated biphenyls ("PCBs")." However, certain Requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and, thus, are also not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA; thus, New Monsanto has limited its review of documents and information to the COCs at Bay Area Drum identified by EPA.

As you know, the California Department of Toxic Substances Control ("DTSC") conducted an extensive investigation of the BAD Site and Old Monsanto's operations in connection with it. DTSC's investigation included an information request to Old Monsanto and the DTSC files include Old Monsanto's response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA from DTSC. Thus, the focus of New Monsanto's identification, review and retrieval of documents has been upon data that is relevant to the Site that has not been previously provided to EPA, DTSC or any other governmental agency.

## **GENERAL OBJECTIONS**

New Monsanto asserts the following general privileges, protections and objections with respect to the Request and each information request (also referred to as "Questions") therein.

1. New Monsanto asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, the joint defense privilege and any other privilege or protection available to it under law. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the Request, New Monsanto asks that any such document be returned to New Monsanto immediately and here states for the record that it is not thereby waiving any available privilege or protection as to any such document.
2. In the event that a document containing CBI or trade secrets has been inadvertently included among the numerous documents provided in response to the Request, New Monsanto asks that any such documents be returned to New Monsanto immediately so that New Monsanto may resubmit the document in accordance with the applicable requirements for the submission of Confidential Information.
3. New Monsanto objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and Old Monsanto's operations in connection with it. DTSC's investigation included an information request to Old Monsanto and the DTSC files include Monsanto's Response to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Notwithstanding this objection, and without waiving it, New Monsanto may produce certain information or documents in its possession, custody, or control that it previously provided to or obtained from government agencies that contain information responsive to the Request.
4. New Monsanto objects to Instruction 4 to the extent it seeks to require New Monsanto, if information responsive to the Request is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." New Monsanto is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.
5. New Monsanto objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on New Monsanto to supplement these responses. New Monsanto will, of course, comply with any lawful future requests that are within EPA's authority.

6. New Monsanto objects to Instruction 6 in that it purports to require New Monsanto to seek and collect information and documents that are not in the possession, custody or control of New Monsanto. EPA lacks the authority to require New Monsanto to seek information not in its possession, custody or control.

7. New Monsanto objects to the Request's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in Monsanto's possession, custody, or control. New Monsanto disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by New Monsanto] to exist" but not in New Monsanto's possession, custody, or control.

8. New Monsanto objects to the Request's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the Request is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Question No. 3.

9. New Monsanto objects to the definition of "identify" in Definition 7 to the extent that the definition encompasses home addresses of natural persons. Subject to this objection, at this time New Monsanto has not identified any current employees whose identities would be responsive to this Request.

10. New Monsanto objects to the definition of "you," "Respondent," and "Monsanto" in Definition 14 because the terms are overbroad and it is not possible for New Monsanto to answer questions on behalf of all the persons and entities identified therein. Notwithstanding this objection and the other general objections, and without waiving then, New Monsanto has undertaken a diligent and good faith effort to locate and furnish documents and information in its possession, custody, and control that are responsive to the Request.

11. New Monsanto objects to EPA's request that New Monsanto separately provide EPA information that is contained in documents being furnished by New Monsanto in response to the Request. Where documents have been provided in connection with a response, information sought by EPA in the corresponding request for information that is set forth in those documents is not furnished separately. To do otherwise would be unduly burdensome.

## **RESPONSES**

New Monsanto hereby provides this response to EPA's Request for Information dated October 15, 2009 (the "Request") pertaining to the Yosemite Creek Superfund Site; San Francisco, California (the "Site"). New Monsanto is providing this response as attorney-in-fact for Pharmacia Corporation ("Pharmacia" or "Old Monsanto") as explained in the cover letter accompanying this response. To prepare this response, New Monsanto attempted to identify historic Old Monsanto operations in California and locations outside California from which, based upon geographic proximity, Old Monsanto may reasonably have been expected to ship "any drums or other containers to California for recycling, cleaning, reuse, disposal or sale" as set forth in Question 1 of the Request. New Monsanto identified fourteen such historic Old Monsanto facilities:

- Martinez (Avon), California;
- Carson, California;
- Long Beach, California;
- Palo Alto, California;
- Ontario, California;
- Santa Clara, California;
- Oakmead, California;
- Anaheim, California;
- Cupertino, California;
- Port of Oakland (Embarcadero Cove), California
- Los Angeles, California;
- Brisbane, California,
- Eugene, Oregon; and
- Seattle, Washington

Because the Request focuses on the period 1940-1988, New Monsanto searched primarily for records related to these fourteen facilities from that 48-year period. This review involved examination of several hundred documents that were identified as potentially containing responsive information. If and to the extent that the Request seeks records outside of this geographic area or temporal scope, it is overly broad, unduly burdensome and not authorized by 42 U.S.C. § 9604(e).

**1. Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.**

### **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 1 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by Monsanto is not feasible because Old Monsanto, in various forms, as explained more fully below, has been in

business since 1901 and has manufactured numerous products. Notwithstanding the forgoing, a general history of the company follows.

Prior to September 1, 1997, Pharmacia was known as Monsanto Company ("Old Monsanto"). Old Monsanto essentially comprised three business units: (i) chemicals, (ii) agricultural, and (iii) pharmaceutical and nutrition. On September 1, 1997, Old Monsanto spun-off the chemicals unit into what is now known as Solutia Inc. On December 19, 1999, Old Monsanto entered into a merger agreement with Pharmacia & Upjohn, Inc. pursuant to which a wholly owned subsidiary of Old Monsanto merged with and into Pharmacia & Upjohn, Inc. with Pharmacia & Upjohn, Inc. remaining as a wholly owned subsidiary of Old Monsanto. In connection with the merger, Old Monsanto changed its name from "Monsanto Company" to "Pharmacia Corporation." The merger became effective on March 31, 2000. On September 1, 2000, Pharmacia transferred to New Monsanto the agricultural business of Old Monsanto. Pharmacia retained the pharmaceutical and nutrition business.

**2. Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:**

- a. ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.**
- b. are/were located in California (excluding locations where ONLY clerical/office work was performed);**
- c. are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 2 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the Request, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with a connection to the BAD Site, Request No. 2 purports to also seek information regarding *any* facility located in California (excluding locations where ONLY clerical/office work was performed) and *any* facility located outside of California that shipped drums or other containers to *any* location in California, even to locations other than the BAD Site. These other facilities have no nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, New Monsanto is providing EPA with certain information and documents that contain information related to Old Monsanto's Facilities as set forth in Question No. 2.

a. **FACILITY THAT MAY HAVE SHIPPED CONTAINERS TO BAD SITE**

**The "Avon Facility"  
1778 Monsanto Way  
Martinez, California 94553-1448**

In 1953, a sulfuric acid plant was constructed at the Avon Facility as a joint venture. MONBAD.003064-003067. At that same time, Monsanto began operating a phenol plant. In 1961, a phenolsulfonic acid unit was installed. In 1963, the phenol unit was shut down and a sulfur recovery unit was added. In 1967, the phenolsulfonic acid unit was shut down, and in 1970, a sulfuric acid plant and soft alkylbenzene catalyst production operation began. The soft alkylbenzene catalyst operation was shut down in 1979, and in 1982, Old Monsanto sold its interest in the acid plant. After 1982, the Avon Facility manufactured sulfuric acid and vanadium catalyst. Some time thereafter, the facility stopped making sulfuric acid, and produced only vanadium catalyst. The Avon Facility continued to manufacture vanadium catalyst until 2005, when New Monsanto sold that business. Since 2005, New Monsanto has owned the Avon property, leases the property to another entity, and conducts no operations there.

Specifically with respect to the BAD Site, in order to respond to the 1992 California Department of Toxic Substances Control ("DTSC") information request, Old Monsanto conducted an internal investigation into its potential business dealings with various drum companies. This investigation revealed that Old Monsanto had shipped 690 55-gallon steel drums to a Myers Drum location in 1984 and 1985. The containers that were shipped to Myers had formerly contained vanadium pentoxide (a reddish granular solid). The unlined containers were vacuumed and washed twice prior to being shipped to Myers Drum. MONBAD.000001-000006, MONBAD.000007-000008. Plant personnel believed that Myers reconditioned the drums for resale to other customers. MONBAD.000001-000006. It is our understanding that Myers Drum ceased its operations at the BAD Site in 1971. See Old Monsanto's response to DTSC's information request. The Old Monsanto employee who conducted the investigation was Clint C. Holtzwarth, and he reported the results of his investigation to Mike Foresman. Neither Mr. Holtzwarth nor Mr. Foresman are current employees of New Monsanto.

In a November 20, 1995 response to an EPA information request relating to the Lorentz Barrel and Drum Superfund Site in San Jose, California, Old Monsanto indicated that the Avon Facility may have sent empty drums to the BAD Site for reconditioning. MONBAD.002939-002942.

We are also aware of Waymite Drum ledgers that include the name "Monsanto." We understand that these ledgers are in EPA's possession.



Regarding raw materials and disposal practices at the Avon Facility, on November 16, 1981, California Department of Health Services issued a Notice of Violation to Old Monsanto requiring it to remove soil from the facility that contained, among other things, lead and mercury. MONBAD.002969-002971. The Department alleged that laboratory reagents containing those substances had been disposed of on site without a permit. *Id.* We are also providing a plant history that appears to have been prepared in the early 1980's that identifies raw materials and process waste streams at the Avon Facility. MONBAD.003064-003067. Neither the raw materials nor process wastes appear to contain COCs, except that, in 1981, six PCB capacitors were disposed. Other than these documents, the only documents we have identified to date relating to the Avon Facility's specific operations, including product purchasing, storage, disposal practices and containers in the Relevant Time Period are those related to the BAD Site. MONBAD.000001-000006. To the extent this Request requests information other than the Relevant Time Period, such information is not relevant to the contamination at the BAD Site. See also response to Question 5.

**b. CALIFORNIA FACILITIES**

**The "Carson Facility"**  
**2100 East 223<sup>rd</sup> Street**  
**Carson, California 90745**

Old Monsanto purchased the Witfield Division of Witco Corporation on October 1, 1985. The purchase included the linear alkyl benzene (LAB) business, which provided alkylates for the detergent industry, at the Carson location. MONBAD.000009-000012. Old Monsanto operated the LAB manufacturing facility until 1991, when it shut down the facility and subsequently dismantled the manufacturing operations. Old Monsanto sold the facility in 1993. *Id.*

We have not, to date, identified any documents relating to the Carson Facility's specific operations, including specific personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period, or through 1991, when the Carson Facility closed.

**The "Long Beach Facility"**  
**6251 Paramount Boulevard**  
**Long Beach, California**

Old Monsanto purchased the facility in 1950 from K. C. Working Chemical, a soap manufacturer. Polystyrene was manufactured between 1950 and 1981. Phosphoric acid production was initiated in 1955, and sodium tripolyphosphate production was initiated in 1959. These products were manufactured until 1992. Phthalate plasticizer was manufactured between 1961 and 1971, with blending operations until 1987. Raw materials used in the processes included benzene, toluene, styrene monomer, phthalic anhydride, isodecanol, tridecanol and 2-ethyl hexanone. Old Monsanto ceased operations and sold the Long Beach Facility in 1992.

Except as set forth above, we have not, to date, identified any documents relating to the Long Beach Facility's specific operations, including specific personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period, or through 1992, when the Long Beach Facility closed.

**The "Santa Clara Facility"**  
**2710 Lafayette Street**  
**Santa Clara, California 95050**

From 1950 until 1983, Old Monsanto manufactured plastics, phenol formaldehyde resins and melamine and urea formaldehyde resins at the Santa Clara Facility. MONBAD.000615-000840, MONBAD.000307-000309. The major raw materials used at the facility were formalin (50%), phenol, n-Butanol, methanol, melamine, urea and caustic soda (50%). MONBAD.000307-000309. A facility chemical usage report indicates that raw materials such as methanol, butanol, phenol, formaldehyde, xylol, naphthalite, isopropanol, sodium hydroxide, sulfuric acid and nitric acid were handled in bulk and maintained on site in storage tanks. MONBAD.000518-000524. Other liquid raw materials were received in drums or carboys. MONBAD.000518-000524. Dry raw material was received in bags, and urea was brought in via hopper car. MONBAD.000518-000524.

A November 20, 1995 response to a EPA information request further indicates that Old Monsanto used 55-gallon drums to hold raw material and off-grade materials not being sold to customers. MONBAD.002939-002942. Raw materials used at the facility included phenolics, xylene, styrene, acrylonitrile, toluene, paint thinner, diesel oil, alcohol, butyl alcohol, acetone, sulfuric acid, methylacrylic acid, nitric acid, methanol and other cleaning solvents. MONBAD.002939-002942. Old Monsanto did not identify the BAD Site as a location to which drums may have been sent from the Santa Clara Facility. MONBAD.002939-002942.

Solid and hazardous waste control records indicate that, other than PCB waste, the Santa Clara Facility did not generate waste streams containing any COCs, and did not use the BAD Site. MONBAD.002250-002259; MONBAD.000307-000309. See also information contained in an Inactive Site Assessment, which contains no information concerning COCs. MONBAD.00248-00306. Facility records indicate that PCBs were handled and disposed as extremely hazardous waste. MONBAD.002250-002259.

In 1983, the facility was closed and all buildings and structures were subsequently demolished. MONBAD.000615-000840.

**The "Anaheim Facility"**  
**611 E. Cerritos Avenue**  
**Anaheim, California 92805**

Old Monsanto acquired the Anaheim Facility when it acquired the Plax Corporation in 1962. Old Monsanto manufactured polyethylene containers (blownware), polyethylene film, polystyrene film and polystyrene foam board (FOME-COR). Old Monsanto sold the Anaheim facility in 1993. We have not, to date, identified any documents relating to the Anaheim Facility's specific operations, including specific personnel, product purchasing,

storage, disposal practices and containers in the Relevant Time Period or through 1993, when the Anaheim Facility was sold.

**The "Cupertino Facility"**  
**10131 Bubb Road**  
**Cupertino, California 95014**

The Cupertino Facility produced electronic products, namely light emitting diodes and lasers, from 1968 until 1976, when the facility was sold. We have not, to date, identified any documents relating to the Cupertino Facility's specific operations, including specific personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period.

**The "Ontario Facility"**  
**810 East Main Street**  
**Ontario, California 91761**

Old Monsanto operated at this location under lease beginning in 1962 until the facility was spun off as part of Solutia Inc. in 1997. The facility became part of Astaris in 2000, with Astaris being a joint venture of Solutia and FMC. Astaris was bought by ICL PPLP in 2005. The facility was used to manufacture and warehouse Phos-Chek (ammonium phosphate/sulfate product), for use by firefighting services in combating wildland fires from aircraft and ground application. We have not, to date, identified any documents relating to the Ontario Facility's specific operations, including specific personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period.

**The "Palo Alto Facility"**  
**3400 Hillview Avenue**  
**755 Page Road**  
**Palo Alto, California 94303**

From May, 1973 until June, 1979, Old Monsanto operated at the 3400 Hillview Avenue facility under lease as Monsanto Electronic Materials Company ("MEMC"), manufacturing and selling single crystal silicon and silicon wafers. MONBAD.002948-002953. TCE and other solvents were apparently used in the manufacturing process. *Id.* In 1979, Old Monsanto ceased operating at the facility and transferred the lease to General Instruments Company. Thereafter, Old Monsanto operated a sales office at the 755 Page Road (possibly Page Mill Road) until 1988. In 1988, Old Monsanto sold the MEMC business. MONBAD.000015. We have not, to date, identified any documents relating to the Palo Alto Facility's specific operations, including specific personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period.

**The "Oakmead Facility"**  
**3350 Scott Boulevard, Building 6**  
**Oakmead, California**

Upon information and belief, the Oakmead Facility appears to have been part of the Monsanto Electronic Materials Company. MONBAD.000013-000014. As such, Old

Monsanto would have used this facility no later than 1989. According to an Old Monsanto May 9, 1997 response to an EPA supplemental information request, concerning the Lorentz Barrel Site, the Oakmead Facility used nitric acid, ammonium hydroxide, Freon 113, sulfuric acid, peroxide, hydrofluoric acid, and sodium hydroxide, which were kept in containers of less than drum size. MONBAD.002943-002947. The operations at the facility involved small scale cleaning and packaging of silicon wafers. We have not, to date, identified any documents relating to the Oakmead Facility's specific operations, including specific personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period or through 1989.

**The Port of Oakland Facility (a/k/a the "Embarcadero Cove Facility")**  
**Embarcadero and Dennison Streets**  
**Oakland, California**

Old Monsanto purchased the stock of Wood Treating Chemical Company, who was operating at the Port of Oakland Facility, in February, 1963, and appears to have taken over the lease as part of the transaction. In July, 1963, Old Monsanto subleased the facility to Garrity Company, who continued the operations conducted by Wood Treating Chemical Company. MONBAD.002972. Garrity then leased the facility property directly from the Port until 1970, when facility operations ceased. MONBAD.000016-000042. It is unclear from the records available to New Monsanto that Old Monsanto ever itself operated at the Port of Oakland Facility, and, even if Old Monsanto operated the Port of Oakland Facility, it would have been for, at the most, six months. Nonetheless, the facility is included in response to this Request.

At the time of Old Monsanto's purchase of the stock of Wood Treating Chemical Company in 1963, the facility apparently had .375 pounds of 40W chlordane, .15 pounds of 5% dieldrin granules, .49 gallons of 20% DDT, .80 gallons of 25% DDT, .60 quarts of dieldrin (1.5 quarts), and 3.01 gallons of 1.5 dieldrin on site as finished product to be sold. MONBAD.003004-003062. Other than this document, we have not, to date, identified any documents relating to the Port of Oakland Facility's specific operations, including specific personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period, which, for this facility, is at most six months in 1963.

**The "Los Angeles Facility"**

While we are generally aware that Old Monsanto operated a distribution center thought to be, upon information and belief, primarily an apparel warehouse and office, in Los Angeles, California, we have not, to date, identified any documents relating to the facility, including documents relating to the facility's specific operations, personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period or at any other time.

**The "Brisbane Facility"**

While we are aware that Old Monsanto owned or operated a facility in Brisbane, California, we have not, to date, identified any documents relating to the facility, including documents

relating to the facility's specific operations, personnel, product purchasing, storage, disposal practices and containers in the Relevant Time Period or at any other time.

c. **FACILITIES OUTSIDE CALIFORNIA THAT SHIPPED  
CONTAINERS TO CALIFORNIA**

**The "Seattle, Washington Facility"**  
9229 E. Marginal Way, South  
Seattle, Washington 98108

We have not, to date, identified any documents indicating that the Seattle, Washington Facility shipped any drums or other containers to California for recycling, cleaning, reuse, disposal or sale in the Relevant Time Period or at any other time.

**The "Eugene, Oregon Facility"**

We have not, to date, identified any documents indicating that the Eugene, Oregon Facility shipped any drums or other containers to California for recycling, cleaning, reuse, disposal or sale in the Relevant Time Period or at any other time.

**3. Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:**

- a. the date such operations commenced and concluded; and
- b. the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.

**RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 3 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, New Monsanto objects to the request in (b) that it describe "types of work performed at each location over time . . . ." Without an identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, see Monsanto's response to Question No. 2.

**4. For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.**

**RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 4 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require New Monsanto to describe "types of records." Where documents have been provided in response to this Request, each and every document regarding SOIs is not also "identified" by describing its contents. New Monsanto further objects to Question No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, New Monsanto has limited its review of documents and information to the COCs identified by EPA.

Notwithstanding the foregoing, and without any waiver of its objections, see Monsanto's response to Question No. 2.

**5. Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.**

**RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 5 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Old Monsanto's Facilities and the BAD Site, Question No. 5 purports to seek information relating to Old Monsanto's Facilities that is not relevant to contamination at the Site.

**6. If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.**

**RESPONSE**

See response to and objections to Question Nos. 2 and 5.

**7. If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.**

**RESPONSE**

See response to and objections to Question Nos. 2 and 5.

8. If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.

**RESPONSE**

See response to and objections to Question Nos. 2 and 5.

9. If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.

**RESPONSE**

See response to and objections to Question Nos. 2 and 5.

10. Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.

**RESPONSE**

In addition to the General Objections set forth above, Monsanto objects to this Question No. 10 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at Monsanto's Facilities and the BAD Site, Question No. 10 purports to seek information relating to Monsanto's Facilities that is not relevant to contamination at the Site. See also responses to Questions 2 and 5.

11. If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.

**RESPONSE**

See response and objections to Question Nos. 2, 5 and 10.

12. If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.

**RESPONSE**

See response and objections to Question Nos. 2, 5 and 10.

13. If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.

**RESPONSE**

See response and objections to Question Nos. 2, 5 and 10.

**14. If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.**

**RESPONSE**

See response and objections to Question Nos. 2, 5 and 10.

**15. Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:**

- a. Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;**
- b. Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;**
- c. State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;**
- d. Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.**

**RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 15 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Question No. 15 purports to seek information relating to Old Monsanto's Facilities that is not relevant to contamination at the Site. See also responses to Question Nos. 2, 5 and 10.

**16. For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:**

- a. the type of container (e.g. 55 gal. drum, tote, etc.);**
- b. whether the containers were new or used; and**
- c. if the containers were used, a description of the prior use of the container.**

**RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this question No. 16 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Question No. 15 purports to seek information relating to Old



Monsanto's Facilities that is not relevant to contamination at the Site. See also responses to Question Nos. 2, 5 and 10.

**17. For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.**

### **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 17 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. New Monsanto further objects to Question No. 17 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Question No. 17 purports to seek information that does not exist.

New Monsanto further objects to Question No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, New Monsanto has limited its review of documents and information to the COCs identified by EPA.

Additionally, as stated in the Request, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Question No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of New Monsanto's objections, see response to Question No. 2.

**18. For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identify all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 18 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the Request, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Question No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, see response to Question No. 2.

**19. For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 19 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. New Monsanto further objects to Question No. 19 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Question No. 19 purports to seek information that does not exist. As stated in the Request, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Question No. 19 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

Notwithstanding the foregoing, and without any waiver of New Monsanto's objections, see response to Question No. 2.

**20. Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 20 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Question No. 20 purports to seek information relating to New

Monsanto's Facilities that is not relevant to contamination at the Site. New Monsanto further objects to Question No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD Site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

**21. Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:**

- a. the type of container in which each type of waste was placed/stored;
- b. how frequently each type of waste was removed from the Facility;

**Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.**

### **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 21 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the Request, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of New Monsanto's objections, see response to Question No. 2.

**22. Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:**

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);
- b. the colors of the containers;
- c. any distinctive stripes or other markings on those containers;
- d. any labels or writing on those containers (including the content of those labels);
- e. whether those containers were new or used; and
- f. if those containers were used, a description of the prior use of the container;

**Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. New Monsanto further objects to Question No. 22 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Question No. 22 purports to seek information that does not exist.

As stated in the Request, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the Request defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Monsanto further objects to Question No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, New Monsanto has limited its review of documents and information to the COCs identified by EPA. Additionally, New Monsanto objects to Question No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the Facilities and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, see response to Question No. 2.

**23. For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 23 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the Request, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the Request defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs." New Monsanto further objects to Question No. 23 as it purports to seek information relating to hazardous substances beyond the specific

chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus New Monsanto has limited its review of documents and information to the COCs identified by EPA. Additionally, New Monsanto objects to Question No. 23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of New Monsanto's objections, see response to Questions No. 2 and 22.

**24. Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.**

#### **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 24 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all individuals who currently have, and those who have had, responsibility for Old Monsanto's environmental matters at all of Old Monsanto's Facilities, including those that have no nexus to the BAD Site, is not feasible for several reasons, including the fact that New Monsanto neither owns nor operates the Old Monsanto Facilities, and in most cases has never operated the Old Monsanto Facilities. Further, this request is infeasible due to the number of facilities Old Monsanto currently operates and operated in the past.

Notwithstanding the foregoing, and without any waiver of New Monsanto's objections, see response to Question No. 2. Also, Jerry McGuire was a manager of environmental affairs for Old Monsanto in the 1980's. Larry Adams was involved in environmental matters, including as an environmental coordinator and environmental project manager, at various California Facilities for Old Monsanto in 1989 and the 1990's, including Anaheim, Avon, Carson, Long Beach, Ontario and Santa Clara. Dale Wilson was involved in environmental matters at various California Facilities for Old Monsanto, including Carson, Long Beach, Port of Oakland, and Santa Clara. We are also providing a 1988 memorandum identifying Old Monsanto personnel responsible for environmental affairs and waste disposal from 1960-1988. MONBAD.003063. Larry Adams currently does work for New Monsanto and can be reached through Bryan Cave LLP. The other individuals identified in this response are not current employees of New Monsanto.

**25. Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 25 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all drum recyclers or drum reconditioners from which Old Monsanto has ever acquired such drums or containers is not feasible for many reasons, including the fact that Old Monsanto has operated numerous facilities over the course of several years.

Notwithstanding the foregoing, and without any waiver of its objections, in its November 20, 1995 response to a EPA information request, Old Monsanto stated that it “may have sent empty drums to the Lorentz [Barrel and Drum Superfund Site] in exchange for reconditioned drums.” MONBAD.002939-002942. See also response to Question No. 2.

**26. Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 26 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. New Monsanto further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, New Monsanto has limited its review of documents and information to the COCs identified by EPA.

Notwithstanding the foregoing, and without any waiver of New Monsanto’s objections, see response to Question No. 2.

**27. Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 27 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the Request, “EPA is seeking to identify parties that have or may have contributed to contamination at the Site.” However, Question No. 27

purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. Moreover, identifying all such removal and remedial actions is not feasible for a number of reasons, including the fact that Old Monsanto has operated a number of facilities in several location over the course of many years. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. New Monsanto further objects to Question No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, New Monsanto has reviewed information concerning the California facilities identified in response to Question No. 2 of this Request, and is producing correspondence with agencies related to remediation undertaken at Facilities involving a COC; namely the Santa Clara Facility (PCBs and lead) and the Port of Oakland (DDT, dieldrin, PCBs). Also, soil removal at the Avon Facility was ordered by the California Department of Health Services in 1981 relating to lead and mercury in the soil. See documents:

MONBAD.000016-000042,	MONBAD.000043-000247,	MONBAD.000310-000517,
MONBAD.000525-000547,	MONBAD.000548-000561,	MONBAD.000562-000614,
MONBAD.000615-000840,	MONBAD.000841-000844,	MONBAD.000845-000846,
MONBAD.000847-000863,	MONBAD.000864-000874,	MONBAD.000875-000885,
MONBAD.000886-001121,	MONBAD.001122-001132,	MONBAD.001133-001136,
MONBAD.001137-001276,	MONBAD.001277-001304,	MONBAD.001305-001397,
MONBAD.001398-001411,	MONBAD.001412-001561,	MONBAD.001562-001707,
MONBAD.001708,	MONBAD.001709-001777,	MONBAD.001778-001949,
MONBAD.001950-002016,	MONBAD.002017-002023,	MONBAD.002024-002031,
MONBAD.002032-002037,	MONBAD.002038-002197,	MONBAD.002198,
MONBAD.002199-002204,	MONBAD.002205-002206,	MONBAD.002207-002208,
MONBAD.002209-002215,	MONBAD.002216-002217,	MONBAD.002218-002223,
MONBAD.002224-002226,	MONBAD.002227-002229,	MONBAD.002230-002245,
MONBAD.002246-002249,	MONBAD.002260-002264,	MONBAD.002265-002271,
MONBAD.002272-002288,	MONBAD.002289-002305,	MONBAD.002306-002328,
MONBAD.002329-002330,	MONBAD.002331-002362,	MONBAD.002363-002460,
MONBAD.002461-002462,	MONBAD.002463-002564,	MONBAD.002565-002686,
MONBAD.002687-002766,	MONBAD.002767-002773,	MONBAD.002774-002923,
MONBAD.002924-002928,	MONBAD.002929-002938,	MONBAD.002973-002975,
MONBAD.003004-003062,	MONBAD.002976-003003,	MONBAD.002954-002968,
MONBAD.002969-002971		

**28. Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this Question No. 28 as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and Old Monsanto's operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. New Monsanto understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, other than ledgers which are not indicative of "communications" between Old Monsanto and any of the entities identified in Request No. 28, New Monsanto has identified no records of communication between Old Monsanto and such entities.

**29. Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.**

## **RESPONSE**

In addition to the General Objections set forth above, New Monsanto objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the Request, New Monsanto has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, New Monsanto understands that EPA is already in possession of DTSC's files regarding the BAD Site. New Monsanto is under no further obligation to identify time periods to which these documents do not pertain.

**30. Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.**

## **RESPONSE**

New Monsanto objects to Question No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, New Monsanto has limited its review of documents and information to the COCs identified by EPA. New Monsanto further objects to Question No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and Old Monsanto's operations in connection with it. DTSC's investigation included an



information request to Old Monsanto and the DTSC files include Old Monsanto's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, New Monsanto is including the documents that have been cited in this response. Some documents are on a CD, others are in hard copy form, and all have been bates labeled.

Any questions EPA may have regarding the responses to these information request may be directed to me at (314)259-2195.